

\*E-filed 2/20/08\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARK HOUSTON,

No. C 07-00859 HRL

Plaintiff,

v.

**ORDER TO SHOW CAUSE TO  
COUNSEL RE: SANCTIONS**

COUNTRY COACH, INC.,

Defendant.

A Pretrial Conference was set for February 19, 2008, but was vacated due to plaintiff counsel's eleventh hour notice of his inability to attend. Moreover, as indicated in the recently issued "Preliminary Pretrial Conference Order," the court has serious concerns about both parties' deficient submissions in response to this court's pretrial standing order obligations. Accordingly, notice is hereby given to Terry L. Baker, counsel for plaintiff, and Kevin J. Tully, counsel for defendant, that on March 13, 2008 at 1:30 PM each attorney shall appear and show cause why he should not be sanctioned for the following:

As for Mr. Baker:

- Waiting until the last minute to advise the court that he had been summoned for jury duty on the date scheduled for the Pretrial Conference;
- Not meeting and conferring with defense counsel 15 days before the due date of the Joint Pretrial Conference Statement;

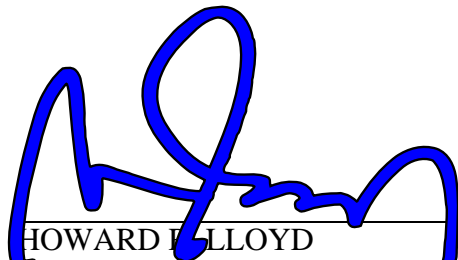
- Not filing a Joint Pretrial Conference Statement;
- Not filing a timely Pretrial Conference Statement;
- Not filing timely Motions in Limine;
- Not giving the substance of the testimony of any of his proposed witnesses;
- Not differentiating between witnesses he "intend[s]" to call and those he "may" call;
- Not giving any time estimate for presentation of his case, including cross examination; and
- Not providing a "detailed statement" of the relief sought (how does plaintiff calculate damages? does plaintiff intend to seek rescission?).

As for Mr. Tully:

- Not meeting and conferring with plaintiff's counsel 15 days before the due date of the Joint Pretrial Conference Statement;
- Not submitting a Joint Pretrial Conference Statement;
- Not giving the substance of the testimony of any proposed witnesses;
- Not differentiating between witnesses he "intend[s]" to call and those he "may" call;
- Not giving a "reasoned" time estimate to put on his case;
- Not giving the "substance or purpose" of exhibits and lumping "various repair orders" into single exhibit without explanation; and
- Not stating any proposed undisputed facts.

**IT IS SO ORDERED.**

Dated: 2/20/08

  
 HOWARD E. LLOYD  
 UNITED STATES MAGISTRATE JUDGE

1 THIS SHALL CERTIFY THAT NOTICE WILL BE SENT TO:

2  
3 Terry L. Baker tbaker@consumerlawgroup.net

4 Kevin J. Tully kevin@tullylaw.net, jeanine@tullylaw.net, julie@tullylaw.net

5  
6  
7 \* Counsel are responsible for providing copies of this order to co-counsel who have not  
8 registered for e-filing.

9 Date: 2/20/08

10 KRO  
Chambers of Magistrate Judge Howard R. Lloyd